

No. 5:18-CV-546-BO

Defendant.

28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”). Accordingly, it is recommended that Plaintiff’s case be transferred to the United States District Court for the Western District of North Carolina where all parties are located and the events giving rise to the claim occurred. *See Durham v. Accelerated Fin. So.*, No. 5:14-CV-655-F, 2014 WL 6435279, at *2 (E.D.N.C. Nov. 14, 2014) (transferring case from the Eastern to Middle District where there was no allegation from which it could be inferred that defendant resided in the Eastern District and the events giving rise to the matter did not occur in the Eastern District).

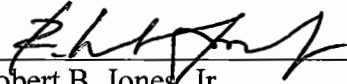
IT IS DIRECTED that a copy of this Memorandum and Recommendation be served on Plaintiff. You shall have until **December 20, 2018** to file written objections to the Memorandum and Recommendation. The presiding district judge must conduct his or her own review (that is, make a de novo determination) of those portions of the Memorandum and Recommendation to which objection is properly made and may accept, reject, or modify the determinations in the Memorandum and Recommendation; receive further evidence; or return the matter to the magistrate judge with instructions. *See, e.g.*, 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); Local Civ. R. 1.1 (permitting modification of deadlines specified in local rules), 72.4(b), E.D.N.C.

If you do not file written objections to the Memorandum and Recommendation by the foregoing deadline, you will be giving up the right to review of the Memorandum and Recommendation by the presiding district judge as described above, and the presiding district judge may enter an order or judgment based on the Memorandum and Recommendation without such review. In addition, your failure to file written objections by the foregoing deadline will bar you from appealing to the Court of Appeals from an order or

judgment of the presiding district judge based on the Memorandum and Recommendation.

***See Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985).**

Submitted, this the 3 day of December 2018.



Robert B. Jones, Jr.
United States Magistrate Judge